

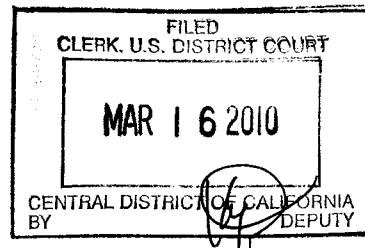
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1 ANDRÉ BIROTTÉ JR.
2 United States Attorney
3 SANDRA R. BROWN
4 Assistant United States Attorney
Chief, Tax Division
5 JOSEPH P. WILSON (SBN 228180)
6 Assistant United States Attorney
Federal Building, Suite 7211
300 North Los Angeles Street
Los Angeles, California 90012
Telephone: (213) 894-4961
Facsimile: (213) 894-0115
7 E-mail: Joseph.P.Wilson@usdoj.gov

8 Attorneys for United States of America

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CLERK, U.S. DISTRICT COURT
CITY OF LOS ANGELES
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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Petitioner,
vs.
BRANDY O. WELLS,
Respondent.

Case No. CV SACV10-00295-JVS (CAN)
[PROPOSED]
ORDER TO SHOW CAUSE

Upon the Petition and supporting Memorandum of Points and Authorities, and the supporting Declaration to the Petition, the Court finds that Petitioner has established its *prima facie* case for judicial enforcement of the subject Internal Revenue Service ("IRS" and "Service") summonses. *See United States v. Powell*, 379 U.S. 48, 57-58, 85 S. Ct. 248, 13 L. Ed. 2d 112 (1964); *see also, Crystal v. United States*, 172 F.3d 1141, 1143-44 (9th Cir. 1999); *United States v. Jose*, 131 F.3d 1325, 1327 (9th Cir. 1997); *Fortney v. United States*, 59 F.3d 117, 119-20 (9th Cir. 1995) (the Government's *prima facie* case is typically made through the

1 sworn declaration of the IRS agent who issued the summons); *accord*, United States
2 v. Gilleran, 992 F.2d 232, 233 (9th Cir. 1993).

3 Therefore, **IT IS ORDERED** that Respondent appear before this District Court
4 of the United States for the Central District of California, in Courtroom No. 10C,

5 United States Courthouse
6 312 North Spring Street, Los Angeles, California, 90012

7 Roybal Federal Building and United States Courthouse
8 255 E. Temple Street, Los Angeles, California, 90012

9 Ronald Reagan Federal Building and United States Courthouse
10 411 West Fourth Street, Santa Ana, California, 92701

11 Brown Federal Building and United States Courthouse
12 3470 Twelfth Street, Riverside, California, 92501

13 on April 19, 2010, at 11:00 A.m.,

14 and show cause why the testimony and production of books, papers, records, and
15 other data demanded in the subject Internal Revenue Service summonses should not
16 be compelled.

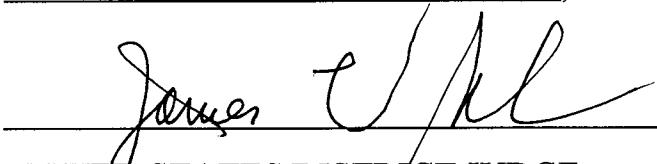
17 **IT IS FURTHER ORDERED** that copies of this Order, the Petition,
18 Memorandum of Points and Authorities, and accompanying Declaration be served
19 promptly upon Respondent by any employee of the Internal Revenue Service or the
20 United States Attorney's Office, by personal delivery or by certified mail.

21 **IT IS FURTHER ORDERED** that within ten (10) days after service upon
22 Respondent of the herein described documents, Respondent shall file and serve
23 a written response, supported by appropriate sworn statements, as well as any desired
24 motions. If, prior to the return date of this Order, Respondent files a response with the
25 Court stating that Respondent does not desire to oppose the relief sought in the
26 Petition, nor wish to make an appearance, then the appearance of Respondent at any
27 hearing pursuant to this Order to Show Cause is excused, and Respondent shall be
28 deemed to have complied with the requirements of this Order.

1 **IT IS FURTHER ORDERED** that all motions and issues raised by the
2 pleadings will be considered on the return date of this Order. Only those issues raised
3 by motion or brought into controversy by the responsive pleadings and supported by
4 sworn statements filed within ten (10) days after service of the herein described
5 documents will be considered by the Court. All allegations in the Petition
6 not contested by such responsive pleadings or by sworn statements will be deemed
7 admitted.

8 DATED: This 16th day of March, 2010.

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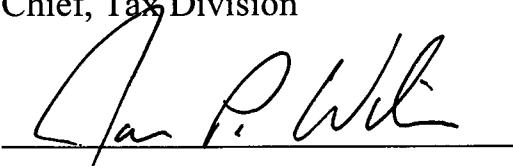


UNITED STATES DISTRICT JUDGE

Presented By:

ANDRÉ BIROTTÉ JR.
United States Attorney

SANDRA R. BROWN
Assistant United States Attorney
Chief, Tax Division


JOSEPH P. WILSON
Assistant United States Attorney
Attorney for the United States of America